IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 40 OF 2007

SHRI. PRAVIN KUMAR ... Petitioner
Versus
S T A T E (C. B. I.) ... Respondent

Mr. S. Singbal, Advocate for the Petitioner.

Ms. F. Mesquita, Advocate holding for Mr. C. A. Ferreira, Public Prosecutor for the State.

Coram:- N. A. BRITTO, J.

Date:- 22nd November, 2007

P.C.:-

Heard Mr. S. Singbal, learned Counsel on behalf of the Petitioner who is an accused in C. C. No. 5/2003.

Although charge was ordered to be framed against the said accused, by Order dated 18-11-2004 under Sections 7 and 13(2) r/w Section 13(1)(d) of the Prevention of Corruption Act, 1988, the trial has not yet begun. Earlier, the accused had approached this Court in Criminal Miscellaneous Application No. 2/2006 which was disposed off by Order dated 18-3-2006, and, in disposing of the said application it was inter alia observed that the learned Special Judge would be at liberty to dispose off the application-Exh.29 along with another application to be filed, at his/her discretion, either immediately or as the trial progresses. Most of the documents sought to be summoned under Section 91 of the Criminal Procedure Code, 1973 are stated to be relevant to discredit the Complainant at whose instance the case was filed against the accused. That matter can certainly be decided as the examination of the said Complainant proceeds, or at the end of it, depending upon whether the

documents sought to be summoned would be relevant to prove the pleas sought to be taken on behalf of the accused.

With the above observation, the petition is disposed off in limine.

Needless to observe, the learned Special Judge would be at liberty to reconsider the said application dated 12/07/2006.

N. A. BRITTO, J.

RD.